



ARLINGTON FINANCE COMMITTEE  
MINUTES OF MEETING  
O'NEILL ROOM  
7:30 PM 1/17/18

ATTENDEES:

Deyst*	White	Caccavaro*	Kellar	McKenna*
DeCoursey*	Wallach*	Harmer*	Gibian	
Tosti	Foskett*	Bayer*	Duvadie*	
	Beck	Jones*	Deshler*	
Franclemont*	Howard*	Fanning	Levy*	Diggins

\*Indicates present

VISITORS: Town Manager Adam Chapdelaine, Deputy Town Manager Sandy Pooler Foskett chaired the meeting. He introduced David Levy who was welcomed by all. David Good and staff were present to set up a SKYPE connection with Paul Bayer complete with video screen display. Bayer was able to follow the meeting and vote.

ART 4 PARKING DISTRICT EXPENDITURES BYLAW: Chapdelaine described a proposed bylaw to implement a procedure requested last year by the FinCom for review of the use of parking meter revenues to, in addition to covering the cost of operating the meters, improve the parking meter district. This will be a BoS article. The draft vote is in Ref 1. Like the CDBG budget, the Town Meeting will "endorse" rather than "appropriate" the expenditures since state law enables these revenues to be spent w/o Town Meeting approval. Howard suggested that the wording in B1, B2, & B3 be expanded to make explicit that revenues collected in the current FY be expended in the ensuing FY. See markup in Ref 1.

VOTED to support the proposed bylaw as amended. Unanimous

ART 5 PARKING DISTRICT ENDORSEMENT OF EXPENDITURES: Chapdelaine provided a table comparing FY18 expenditure budget to actual-to-date to end of FY projection. The new projection is \$12.6k less than the original. He also provided a table for meter revenue which shows the \$113k more than the original budget. The projected net revenue is \$134k. He proposed spending \$130k as recommended by the District Committee on a variety of parking district improvements starting after Town Meeting votes. Refer to Ref 2.

VOTED to endorse the recommended expenditures. Unanimous. Note that draft wording in Ref 1 must be revised.

ART 6 ADDITIONAL FUNDING FOR RENOVATION OF HARDY SCHOOL:

Chapdelaine, using Ref 3, detailed the additional funds estimated for this project because of the passage of time since last year's vote, the result of actual design work and need for contingency reserves. The original appropriation was \$3.5M. The New estimate is \$4.644m. A better estimate may be available before the STM. For this reason the FinCom informally approved the wording in Ref 1 with blanks to be filled in by a vote before the Special Town Meeting.

RESERVE FUND TRANSFER: Chapdelaine explained the 2013 accident that resulted in a citizen suing the Town (Ref 4) for medical cost, loss of function, and loss of income. The Town Counsel has reached a \$75k agreement with the injured citizen. The only sources of money to pay this are the Legal Defense Fund that now stands at \$19,000

and the Reserve Fund. There was some discussion about whether the Town needs the Legal Defense Fund, and if so, how big it should be.

VOTED to transfer \$56,000 from the Reserve Fund to the Legal Department with the rest coming from the Legal Defense Fund. 13-1

Chadelaine & Pooler were thanked for their presentations and discussions.

RESERVE FUND Balance: 1,506,440 – 56,000 = 1,450,440

Peter Howard 1/20/18

Ref 1 Memo Helm to FinCom, STM Articles 4,5,6 Draft Votes

Ref 2 Memo Chapdelaine to FinCom Parking Meter Funding Request

Ref 3 Memo Chapdelaine to FinCom Additional Funding For Harding

Ref 4 Memo Heim to FinCom Request For Reserve Fund Transfer



*Town of Arlington*  
*Legal Department*

Douglas W. Heim  
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To: Finance Committee;  
Adam Chapdelaine, Town Manager.

From: Douglas Heim, Town Counsel

Date: January 15, 2018

**Re: Special Town Meeting Articles 4, 5, and 6 Draft Votes**

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Members of the Finance Committee, I write to provide draft votes for Articles 4, 5, and 6 of the February 12, 2018 Special Town Meeting.

**ARTICLE 4                      BYLAW AMENDMENT/PARKING BENEFITS  
DISTRICT EXPENDITURES**

**To see if the Town will vote to amend the Town Bylaws to establish processes by which parking benefits district expenditures shall be reviewed and endorsed by the Finance Committee, Capital Planning Committee, and Town Meeting; or take any action related thereto.**

**(Inserted at the request of the Town Manager)**

With positive action on Article 26 of the 2017 Annual Town Meeting (with this Board's recommendation), the Town adopted a provision of the Municipal Modernization Act which allows for the establishment of Parking Benefit Districts. The Town may now segregate its parking revenues from those districts for expenditures in same related to districts' improvement. For example, operating costs, such as parking meter maintenance or snow removal can be paid for directly out of Town parking revenues. Similarly, larger capital improvements such as street and infrastructure improvements can also be paid for out of parking district revenues.

However, both the Board of Selectmen and the Town Manager pledged to develop a process similar to CDBG submissions by which these operating and capital expenditures would be vetted and endorsed annually by the Finance and/or Capital Planning Committees respectively, and then Town Meeting. Below you will find a straightforward draft Vote and Comment to such effect with some preliminary edits by the Board of Selectmen.

**VOTED:** That Title I, Article 11 "Program Budget," previously deleted by vote the 2012 Annual Town Meeting, be and is hereby replaced in the entirety with the following new Article:

#### **ARTICLE 11: Parking Benefit District Expenditures**

##### **A. Purpose and Definitions**

**The Purpose of this Article is to detail the Town of Arlington's process for reviewing and approving expenditure requests for the operation of, and improvements to Parking Benefit Districts in Arlington as permitted by c. 40 §§ 22A and 22A ½.**

**For the purposes of this Article, "Parking Benefit Districts" shall be defined as set forth in G.L. c. 40 §22A ½.**

**The Parking Implementation Governance Committee is a Committee tasked with evaluating and making recommendations for parking and related administration and improvements in Arlington, including members of the Arlington business community.**

## **B. Process for Review and Endorsement of Expenditures**

- 1. Revenue Estimates.** On or before February 1<sup>st</sup> of each year, the Parking Implementation Governance Committee, or other designee of the Board of Selectmen, shall provide a detailed estimate of the projected revenues and expenditures of each Parking Benefit District in Arlington for the **ensuing** fiscal year.
- 2. Operating Expenditures.** All proposed operating expenditures in each Parking Benefit District **for the ensuing fiscal year**, submitted by the Parking Implementation Governance Committee or any other entity, shall be reviewed for report and recommended action or actions by the Finance Committee prior to submission for endorsement by Town Meeting.
- 3. Capital Expenditures.** All proposed capital expenditures in each Parking Benefit District **for the ensuing fiscal year**, submitted by the Parking Implementation Governance Committee or any other entity, shall be reviewed for report and recommended action or actions by the Capital Planning Committee prior to submission for endorsement by the Annual Town Meeting.
- 4. Town Meeting Endorsement.** Town Meeting shall vote to endorse the recommended action or actions of the Finance and Capital Planning Committees respectively prior to the expenditure of any Parking Benefits District revenue proposed by the Parking Implementation Governance Committee, or any other entity.

## **C. Construction and Severability**

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 40 §§ 22A and 22A ½. Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

**ARTICLE 5**

**ENDORSEMENT/PARKING BENEFITS DISTRICTS  
OPERATING AND CAPITAL COSTS**

**To see if the Town will endorse proposed expenditures relative to established parking benefits districts; or take any action related thereto.**

**(Inserted at the request of the Town Manager)**

Given the Finance and Capital Planning Committees' shared commitment to the primacy of Town Meeting review of all Town of expenditures and the Town Manager and Board of Selectmen's agreement, until positive action is garnered on Article 4 (and approved by the Attorney General), and in the absence of more specific guidance from the Department of Revenue, the following motion is recommended for Town Meeting's review and endorsement of Parking Benefit District operating and capital expenditures.

**VOTED: That the Town does hereby approve the following expenditures from the Parking Fund:**

**Projected Fiscal Year 2019 Meter Revenue:** \$\_\_\_\_\_.

**Offset to Parking Budget:** \$\_\_\_\_\_

**Offset to Parking Enforcement Budget:** \$\_\_\_\_\_

**Parking meter operations:** \$\_\_\_\_\_

**Operating Projected Expenditures** \$\_\_\_\_\_.

**Capital Projected Expenditures** \$\_\_\_\_\_.

**Available balance for other parking related expenditures to be approved by a future Town Meeting \$\_\_\_\_\_.**

**ARTICLE 6**

**APPROPRIATION/CAPITAL BUDGET/HARDY  
SCHOOL RENOVATION OR CAPACITY  
EXPANSION**

**To see if the Town will vote to appropriate a sum of money for renovation and/or capacity expansion, temporary or permanent, at the Hardy School building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.**

**(Inserted at the request of the Town Manager)**

This article supplements the previous \$3.5 million appropriation and borrowing authorization approved under Article 3 of the April 2017 Special Town Meeting for the Hardy School renovation and/or capacity expansion.

**VOTED: That the sum of \$\_\_\_\_\_ be and hereby is appropriated for the purpose of paying costs of the design, reconstruction of and additions to the Hardy elementary school, and for costs incidental and related thereto; and with the approval of the Board of Selectmen, the Treasurer is authorized to borrow \$\_\_\_\_\_ under and pursuant to Chapter 44 Section 7 of the General Laws, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore, said sums to be expended under the direction of the Town Manager. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.**



**Town of Arlington  
Office of the Town Manager**

Adam W. Chapdelaine  
Town Manager

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**To:** Finance Committee

**From:** Adam Chapdelaine, Town Manager

**RE:** Parking Benefits District – Endorsement of Proposed Funding Request – STM Article 5

**Date:** January 16, 2018

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I am writing today in regard Article 5 of the Special Town Meeting (STM) which is requesting endorsement of expenditures from the Parking Benefit District Fund. As the committee may recall, this matter was discussed extensively last year, and an agreement was made to propose a bylaw (Article 4 of the STM) to govern these expenditures. It was also agreed that if an STM was scheduled, that an endorsement of expenditures could be considered.

Attached for your review and consideration is an update on the revenues and expenditures from the parking fund. As you will see, revenue is exceeding projections, and expenditures are tracking nearly in line with projections. The expense lines that are in excess of projection are related to directly to increased credit card costs and collections which directly correlate with the increases in revenue collection.

Included in this attachment is a proposed list of expenditures from the Parking Benefit District Fund. These items have been voted on favorably by the Parking Implementation and Governance Committee.

I look forward to discussing this matter with you on Wednesday evening.



# Arlington Center Parking Management Financial Status Update

## Expenditures

	FY18 Budget	FY18 To Date	FY18 Projection	\$ Difference
IPS (CC, Gateway, System)	\$35,718.00	\$16,126.00	\$32,252.00	-\$3,466.00
Elavon CC Fee	\$40,200.00	\$24,960.71	\$49,921.42	\$9,721.42
Coin Collection	\$34,000.00	\$17,582.96	\$35,165.92	\$1,165.92
First Parish Lease	\$6,000.00	\$3,000.00	\$6,000.00	\$0.00
Lease Payments	\$46,561.00	\$23,280.50	\$46,561.00	\$0.00
Share of Parking Enforcement	\$58,636.00	\$58,636.00	\$58,636.00	\$0.00
Share of Parking Admin.	\$45,848.00	\$45,848.00	\$45,848.00	\$0.00
Parking Benefit District	\$150,000.00	\$0.00	\$130,000.00	-\$20,000.00
<b>Total</b>	<b>\$416,963.00</b>	<b>\$189,434.17</b>	<b>\$404,384.34</b>	<b>-\$12,578.66</b>

## Revenues

	FY18 Budget	FY18 thru 12/31/17	FY18 Projection	\$ Difference
Single Space Meters	\$300,000.00	\$173,683.50	\$347,367.00	\$47,367.00
Multi-Space Meters	\$125,000.00	\$95,482.50	\$190,965.00	\$65,965.00
<b>Total</b>	<b>\$425,000.00</b>	<b>\$269,166.00</b>	<b>\$538,332.00</b>	<b>\$113,332.00</b>

## Proposed FY18 Parking Benefit District Expenditures

Russell Common Parking Lot Design	\$50,000.00
Sidewalk Snow Bank Removal	\$25,000.00
Sidewalk Cleaning	\$10,000.00
Installation of Bike Racks	\$4,000.00
Replacement of Benches	\$16,000.00
Solar Trash Receptacles	\$5,000.00
Removing Heaved Granite Edges	\$20,000.00
<b>Total</b>	<b>\$130,000.00</b>

contract to provide access to meters  
power wash  
probably 2  
Broadway plaza wooden benches  
with resident-proof lids  
tripping hazard



**Town of Arlington  
Office of the Town Manager**

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**To:** Finance Committee

**From:** Adam Chapdelaine, Town Manager

**RE:** Hardy Addition – Request for Additional Funding – STM Article 6

**Date:** January 16, 2018

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I am writing to provide information regarding Article 6 of the Special Town Meeting scheduled for February 12<sup>th</sup>. This article was filed to request additional funding for the Hardy Elementary School Addition Project. The current project timeline aims to begin construction in early March and projects completion prior to the end of calendar year 2018.

As the Committee may recall, this project was funded at Town Meeting last spring, based on initial estimates prepared by both HMFH Architects and Shawmut Construction. Since the time of those initial estimates, the actual design of the project was started and this process demonstrated several areas of cost that were not initially anticipated or were not sufficiently budgeted. These areas include the general construction cost of the project, as well as ADA required accessibility upgrades in the existing building that are necessary due to the size of this project in relation to the overall value of the building. These upgrades include items such as the slope of ramps, height of signage and width of doors.

The current cost estimates are outlined in the table below. The project is currently out to bid and we expect to have bids in hand by the last week of January/first week of February. Once these bids are received and vetted, we will come back to the Committee and request the final appropriation amount to be recommended to Town Meeting.

### **Hardy School Classroom Addition Funding**

Architectural Fees	\$350,000.00
Owners' Project Manager (OPM) Fees	\$172,500.00
Other Soft Costs (Haz Mat, Testing)	\$143,306.00
Current Construction Cost Estimate	\$2,709,712.00
Required Accessibility Upgrades	\$175,000.00
Cafeteria Capacity Enhancement	\$200,000.00
Fixtures, Furniture & Equipment	\$144,000.00
Technology	\$144,000.00
Construction Contingency	\$605,777.70
<b>Total</b>	<b>\$4,644,295.70</b>

### **Additional Exposure - Accessibility Upgrades**

Future Work - Subject to Timed Variances	\$115,000.00
Work for Which Variances are Requested	\$165,000.00

Spring 2017 Appropriation	\$3,500,000.00
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<b>Potential Additional Funding Necessary</b>	<b>-\$1,424,295.70</b>
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I look forward to discussing this matter with you on Wednesday evening.



Town of Arlington  
Legal Department

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To: Finance Committee;  
Adam Chapdelaine, Town Manager.

From: Douglas Heim, Town Counsel

Date: January 15, 2018

Re: **Request for Reserve Fund Transfer for Settlement of  
*Kevin E. Foreman v. Town of Arlington***

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Members of the Finance Committee, I write to provide a brief memo to support the request for the transfer of \$75,000.00 for the purposes of resolving the ongoing litigation matter of *Kevin E. Foreman Sr. v. Town of Arlington, 1681-MICV-357*, currently pending in Middlesex Superior Court. The facts of this particular matter are straightforward.

On December 2, 2013, Mr. Foreman was secured to a stretcher while being readied for transport to Mt. Auburn Hospital by Arlington Fire Department personnel. As Mr. Foreman (age approximately 63) was being lifted into the ambulance, the stretcher flipped over on its side and dropped to the ground with the gentleman still strapped in. The stretcher allegedly bounced off the bumper of the ambulance with Mr. Foreman's left elbow and arm bearing the brunt of impact. Since the incident, Mr. Foreman has complained of pain and numbness throughout his left arm and hand, as well as loss of function. Subsequent medical examination revealed a tear of distal triceps tendon (alternately diagnosed as a ruptured triceps), a palpable nodule in the triceps and ulnar neuropathy (weakness and sensation loss caused by nerve damage corroborated

by neurological tests) as well as chronic inflammation of his elbow. Accordingly, Mr. Foreman required surgical repair of the triceps, including a tendon graft, and ulnar neuroplasty of the same elbow (a surgical procedure to break up scar tissue and other impediments pressing on or otherwise cause damage to a specific nerve), and substantial physical therapy. While the surgery appears successful, Mr. Foreman claims some permanent loss of grip strength and fine motor skills as well as a loss of income as well.

In short, this matter is essentially a damages trial. There is no meaningful dispute that Mr. Foreman was in the Town's care, was accidentally dropped, and caused some injury. There is some dispute as the extent of his injury in terms of the impact on his long-term quality of life and the scope of his direct financial losses. We were able to successfully preclude claims by Mr. Foreman's wife, thereby halving our maximum liability under c. 258. However, after litigating the matter for more than three years (including claim defense) it is abundantly clear that we face liability, likely in excess of the statutory cap of \$100,000 in addition to substantial costs of a trial defense later this year even as this Department has been frugal in its defense strategy.

Unfortunately, the timing of the resolution of this matter was not ideal despite our best efforts to maintain possibility of assessing the resolution on the tax bills. The Plaintiff could only be recently convinced to move off an untenable settlement demand. Accordingly, I respectfully request you approve the requested transfer.